

Duke, Daphne

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From: Butler, David
Sent: Wednesday, June 02, 2010 10:09 AM
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Cc: McMullan, Pamela
Subject: Frazier v. USSC Complaint - Docket No. 2010-163-W

Dear Counsel and Ms. Frazier:

Subsequent to receipt of the Complaint in this matter, I am in receipt of the prefiled testimony of both Steven Lubertoizzi of USSC and Willie J. Morgan of the Office of Regulatory Staff in this case. On pages 4 and 5 of the testimony of Mr. Morgan, reference is made to either not receiving or not having reviewed certain additional requested billing information from USSC on the Frazier account. It appears to me that it would be very helpful in considering this case if Mr. Morgan was furnished the information he requested and/or Mr. Morgan was able to complete his review of the additional information, and then express an opinion on the information. This information appears to be related to whether or not the Complainant may be due a refund, credit, or reimbursement of monies by USSC, and whether or not USSC is properly billing Ms. Frazier according to the Company's Commission approved rate schedules. I believe that these issues are at the heart of Ms. Frazier's complaint. There appears to be communication between USSC and ORS with regard to this information, but I would be interested in knowing the following: 1) whether USSC is willing to furnish the requested information to ORS, if it has not already done so; 2) when the information will be furnished to ORS, if the information has not already been furnished; 3) when ORS will be able to complete its review of the furnished information, so that ORS may be able to supplement its prefiled testimony with further information, based on the received and reviewed information addressed above. I would certainly be willing to set a deadline for the ORS supplemental testimony and a new deadline for the complainant to reply to the Company and ORS testimony, past June 8, if necessary. At this point, however, I would propose leaving the hearing date as it is.

I would appreciate your input on these matters as soon as practicable.

Thanks,
David Butler
Hearing Examiner

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